

### REMARKS

Reconsideration of the above referenced application in view of the following remarks is requested. Claims 1-27 remain in the application.

### ARGUMENT

#### ***Claim Rejections – 35 USC § 103***

Claims 1-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Katinsky et al. US Patent No. 6,452,609 (hereinafter Katinsky).

In rejecting claims, 1, 12, and 17, the Examiner first asserted that col. 1, lines 51-58 of Katinsky teaches or suggests the recited limitation of creating a play list based at least in part on a user's preferences. Applicant respectfully disagrees. The cited portion of Katinsky is quoted below:

In one aspect, the invention is directed to a web page with a player for playing media objects, a sequencer which displays a play list that defines an order in which media objects are played by the player, a media access area for containing a plurality of graphical icons. Each graphical icon representing a media object, and the graphical icons can be manipulated by a user to modify the play list.

Although the above quoted portion of Katinsky discloses a play list displayed by a sequencer, but this cited portion of Katinsky does not teach or suggest "*creating*" the play list. Manipulating graphical icons by a user to *modify* the play list is not the same or equivalent to *creating* a play list from the very beginning.

Secondly, the Examiner asserted that col. 11, lines 15-18 of Katinsky teaches or suggests the recited limitation of submitting the created play list to a multimedia content

provider through a network. Again Applicant respectfully disagrees. The cited portion of Katinsky is quoted below:

FIG. 12 illustrates the steps performed by the pageless Internet site 1000 when the user is navigating through the outline in the access panel 12. In brief, clicking on a tab or outline line in the new media icon access panel 12 generates an SQL query of the interface database 1012 which returns a recordset containing the elements to be displayed and the format.

Applicant cannot find how the cited portion of Katinsky discloses submitting the play list to a multimedia content provider through a network. The cited portion of Katinsky (quoted above) only discloses generating a query which returns a recordset by clicking on a tab. Applicant does not understand who this is related to the recited limitation. Obviously there is a gap here. Applicant respectfully requests that the Examiner explain in detail how the quoted portion is related to the recited limitation. Before receiving such an explanation, Applicant must assume that the cited portion does not teach or suggest the recited limitation as it apparently does not.

Third, the Examiner asserted that col. 13, lines 1-6 of Katinsky teaches or suggests the recited limitation of downloading multimedia content in the play list to a device when the device is connected to the multimedia content provider and caching the multimedia content on the device. Again Applicant respectfully disagrees. The cited portion of Katinsky is quoted below (emphases added):

In addition, the specific banner associated with the media object, e.g., a sponsor banner or a source banner, is displayed in the site-driven area 18 (step 1410). Once the object player begins buffering the media stream, *the media type and image size are determined from the media icon data source object (step 1412).*

Step 1412 discloses how the media type and image size are determined, which has nothing to do with downloading multimedia content in the play list to a device when the device is connected to the multimedia content provider and caching the multimedia content on the device.

Finally, the Examiner asserted that Katinsky teaches or suggest a method of operating a web page while the device is not connected to the multimedia content provider by citing col. 13, lines 18-20 of Katinsky. Again Applicant respectfully disagrees. To the contrary of what the Examiner asserts, Katinsky discloses a method for streaming media (see the title and col. 1, lines 5-7 of Katinsky). As commonly known, although a player may buffer media streams, the player is always connected to the source of the media and buffering is to make the presentation of the media smooth (see Streaming at <http://www.webopedia.com/TERM/s/streaming.html>). Thus, Katinsky does not teach or suggest the recited limitation of playing the cached multimedia content while the device is not connected to the multimedia content provider.

Because Katinsky and/or common knowledge do not teach or suggest all of the limitations recited in independent claims 1, 12, and 17, these claims are patentable over Katinsky. Accordingly, all of the claims that depend therefrom (i.e., claims 2-7; claims 13-16; and claims 18-23; respectively) are also patentable over Katinsky. Applicant respectfully requests that the 35 U.S.C. § 103 rejections over claims 1-7 and 12-23 be withdrawn.

In rejecting independent claims 8 and 24, the Examiner asserted that col. 1, line 59 through col. 2, line 29 of Katinsky teaches or suggests the recited limitation of

searching a database for multimedia content according to the play list. Applicant respectfully disagrees. The cited portion of Katinsky discloses some implementation details of the subject matter disclosed therein. Particularly, the cited portion discloses what the graphical icon can do, whether it is draggable, what a user can do with the graphical icon (e.g., switch between play lists), what the media access area includes, what a player includes, etc. Through the cited portion, there is nothing mentioned or even remotely related to searching a database for multimedia content according to the play list. If the Examiner insists that the cited portion of Katinsky teaches or suggests this recited limitation, please pin-point the specific lines which support such an assertion. The cited portion is long; otherwise, Applicant will be glad to quote it here so that the Examiner can see clearly that it has nothing to do with the recited limitation.

Additionally, the Examiner asserted that col. 13, line 64 through col. 14, line 9 teaches or suggests the recited limitations of processing the multimedia content before the multimedia content is downloaded and transferring the multimedia content to an occasionally-connected device. Again Applicant respectfully disagrees. The cited portion of Katinsky is quoted below:

As shown in FIG. 16, when the user clicks on indicator 130 (step 1600) or button 56, a sponsor or source pop-up string is retrieved from the sequencer DSO current record (step 1602). The string is an encoded "menu description notation" (MDN) string that describes the hierarchy of menu items, the appearance of the menu and the programmed behavior for the menu items. Specifically, the string is an ordered sequence of delimited fields. The MDN string is an economical means to transport the instructions for building and defining the content of pop-up menus from the server to the client or between client feature datastores. Each menu includes the following fields: ...



There is nothing in the cited portion of Katinsky that is related to processing the multimedia content before the multimedia content is downloaded or transferring the multimedia content to an occasionally-connected device. It only describes how a menu item is designed and behaved which has nothing to do with the recited limitations.

Because Katinsky and/or common knowledge do not teach or suggest all of the limitations recited in independent claims 8 and 24, these claims are patentable over Katinsky. Accordingly, all of the claims that depend therefrom (i.e., claims 9-11; and claims 25-27; respectively) are also patentable over Katinsky. Applicant respectfully requests that the 35 U.S.C. § 103 rejections over claims 8-11 and 24-27 be withdrawn.

### CONCLUSION

Based on the foregoing, it is submitted that that all active claims are presently in condition for allowance, and their passage to issuance is respectfully solicited. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (503) 264-8589. Entry of this amendment is respectfully requested.

Respectfully submitted,

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